



06/30/04

FW

## EXPRESS MAIL LABEL NO.: EV333997145US

<b>RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT</b>  Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket	SWMC-001DIV
	Confirmation No.	5480
	First Named Inventor	Akira Takashima
	Application Number	10/680,670
	Filing Date	OCTOBER 6, 2003
	Group Art Unit	1639
	Examiner Name	T. WESSENDORF
	Title	"MODULATORS OF POLYSACCHARIDES AND USES THEREOF"

Sir:

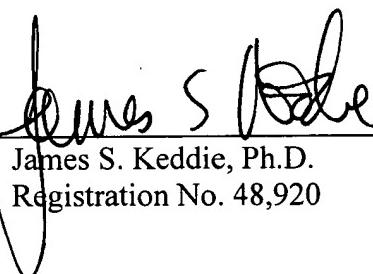
In response to the Notice of Non-compliant Amendment dated June 16, 2004, attached hereto is a Substitute Preliminary Amendment. A one-month period for response to the Notice of Non-compliant Response was given making this response due on or before July 16, 2004. As such, this response is timely filed.

The substitute preliminary amendment is the same as the original preliminary amendment except that the status is identified for claim 26. A complete listing of all of the claims is present in the revised amendment, and, accordingly, the Applicants respectfully submit that the revised amendment is compliant.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number SWMC-001DIV.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

By:

  
James S. Keddie, Ph.D.  
Registration No. 48,920

Date: June 28, 2004

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

F:\DOCUMENTS\SWMC\001DIV\Response to Non-compliant.doc



06/28/04

EXPRESS MAIL LABEL: EV 3339971450S

**SUBSTITUTE  
PRELIMINARY AMENDMENT**

Address to:  
Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket Confirmation No.	SWMC-001DIV 5480
First Named Inventor	Akira Takashima
Application Number	10/680,670
Filing Date	OCTOBER 6, 2003
Group Art Unit	1639
Examiner Name	T. WESSENDORF
Title	MODULATORS OF POLYSACCHARIDES AND USES THEREOF

Sir:

Prior to examination of the application on the merits, please enter the following amendments.



Please type a plus sign (+) inside this box → +

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/680,670
		Filing Date	October 6, 2003
		First Named Inventor	TAKASHIMA, AKIRA
		Group Art Unit	1639
		Examiner Name	WESSENDORF, TERESA D.
Total Number of Pages in This Submission	10	Attorney Docket Number	SWMC-001DIV

### ENCLOSURES (check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Assignment Papers<br>(for an Application)                      | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment / Reply                                   | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  | 1. Copy of Notice of Non-compliant amendment   |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund   | 2. Revised Amendment   |
| <input type="checkbox"/> Certified Copy of Priority Documents                | <input type="checkbox"/> CD, Number of CD(s)  | 3. Response to Notice of Non-Compliant Response  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   |   | 4. Postcard  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Signing Attorney/Agent (Reg. No.)	JAMES S. KEDDIE, PH.D., 48,920 BOZICEVIC, FIELD & FRANCIS LLP
Signature	
Date	June 28, 2004

EXPRESS MAIL LABEL NO. EV333997145US

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.